

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Gretchen M. Unger	)	
SERIAL NO.:	10/652,814	)	EXAMINER: POPA, Ileana
FILED:	August 29, 2003	)	ART UNIT: 1633
TITLE:	NANOPARTICLE ENCAPSULATION SYSTEM AND METHODS	)	CONFIRMATION NO.: 2748

**VIA EFS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

**TIME OF TRANSMITTAL**

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

The undersigned hereby authorizes the charge of \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p) or any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The instant Information Disclosure Statement contains three references that are not in the English language. According to MPEP 609.04(a)(III), the concise explanation may be either separate from the specification or part of the specification. If the concise explanation is part of the specification, the IDS listing should include the page(s) or line(s) numbers where the concise explanation is located in the specification. Accordingly, we note that the concise explanation provided herein is an English-language translation of the German-language abstract of the German-language patent. The translation is provided by Applicant, who is a German-language speaker.

Also provided herein is the Supplementary Search Report which cited these references, which provides an explanation of the relevance.

For Wohlrab et. al, DE 197 23 308 A1, translation: "Abstract: New micro-emulsions for topical application of drug substances. The invention relates to new microemulsions for topical application of drug substance, especially local anesthetics. The new micro-emulsions consist of an oil component (40 to 80%), a surfactant combination of surfactants and co-surfactant (20 to 40%), penetration modulators (1 to 8%), water (2 to 8%) and the types of drug (0.1 to 10%). The new microemulsions ensure a rapid drug penetration into and through the individual layers of skin."

For Foerster et. al, DE 44 11 557 A1, translation: "Abstract: Method for the manufacture of micro-emulsions. A procedure for the manufacture of microemulsions is documented where an oil component consists of a dialkylether with 12-24 carbon-atoms in a quantity of at least 30 wt%. Such water-in-oil microemulsions contain a preferred 20-60 wt% of Dialkylethers and 0-40 wt -% of a second oil component, preferably a fatty acid ester with 12-26 carbon atoms or a hydrocarbon, 20-35 wt% of a non-lipophilic emulsifier with an HLB value of 6-10, 1-20 wt% of a hydrophilic, non-ionic or a hydrophobic ionic surfactant, 1-10 weight% of diols or polyols with 2-6 carbon-atoms and 1-20 wt% water. Appropriate microemulsions of the type oil-in-water contain 3-30 wt -% of Diaklylethers, 0-20 wt% of a second oil component, 10-20 wt% of a non-lipophilic emulsifier with an HLB value of 6 - 10, 1-10 wt% of a hydrophilic, non-ionic or hydrophobic ionic surfactant and 1-10 wt -% of a diol(s) or a polyol(s). According to the invention, these microemulsions are suitable as carriers for cosmetic and pharmaceutical preparations."

For Dahms, et. al, DE 43 41 114 A1, translation: "Abstract: Water-free X / O emulsion. The stable X / O emulsion contains a water-insoluble, not-mixed-with-oil phase and an oil phase. In the water-insoluble, not-mixed-with-oil phase can be contained a substance to be used in, for example, medical, cosmetic or technical applications. The emulsion uses either an emulsifiers with an HLB value  $\leq 6$ , and or is known as an W/O emulsifier. The production of the emulsion is made with the usual witnessed-activity [as known in the art]. The emulsions have long-term stability."

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. The listed patents and publications are believed of interest herein and consideration and citation of as interest by the Examiner is respectfully requested.

Respectfully submitted,

Date: June 27, 2008

A handwritten signature in cursive script, reading "Mary Breen Smith", written in black ink.

Mary Breen Smith/Reg. No. 43,512  
Swanson & Bratschun, L.L.C.  
8210 Southpark Terrace  
Littleton, CO 80120  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065

S:\CLIENT\FOLDERS\GENE SEGUES, INC\01\CMDS8.DOC